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2 **S A C K E T T**
3 AND ASSOCIATES

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10 /as

11 Attorney for Plaintiff

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 ERSIE EVERETTE,) No. C 07-03013 MEJ
15 Plaintiff,)
16 v.) STIPULATION AND ORDER AWARDING
17 MICHAEL J. ASTRUE,) ATTORNEY'S FEES AND COSTS
18 Commissioner,) UNDER THE EQUAL ACCESS TO
19 Social Security Administration,) JUSTICE ACT
20 Defendant.) [28 U.S.C. § 2412(d)]
21 _____)

22 Plaintiff and Defendant, through their respective attorneys, hereby stipulate that subject
23 to the approval of the Court, Plaintiff's counsel, as Plaintiff's assignee, shall be awarded
24 attorney fees under the EAJA in the amount of FOUR THOUSAND SEVEN HUNDRED
25 FOURTEEN DOLLARS and FIFTY-FIVE CENTS (\$4,714.55). This amount presents
26 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection
27 with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412(d).

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
2 attorney fees, and does not constitute an admission of liability on the part of Defendant under
3 the EAJA. Payment of \$4,714.55 in EAJA attorney fees shall constitute a complete release
4 from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in
5 connection with this action. Any payment shall be made payable to Plaintiff's counsel as
6 Plaintiff's assignee and delivered to Plaintiff's counsel. This award is without prejudice to the
7 rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406,
8 subject to the offset provisions of the EAJA.

9
10 Dated: February 24, 2009

/s/
HARVEY P. SACKETT
Attorney for Plaintiff
ERSIE EVERETTE

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14 Dated: February 24, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
GINA SHIN
Assistant Regional Counsel

15
16 IT IS SO ORDERED.
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20 Dated: February 26, 2009


HON. MARY ELENA JAMES
United States Magistrate Judge